

### REMARKS

Claims 1-49 are pending, with claims 9, 17, 33, 41 and 49 being independent. Claims 1-8 and 25-32 have been withdrawn. Claims 9, 17, 33, 41, and 49 have been amended. Support for the amendments is found, for example, at page 20 of the specification. No new matter has been introduced.

#### 35 U.S.C. § 112, 1<sup>st</sup> and 2<sup>nd</sup> Paragraph Rejections

Claims 9, 17, 33, 41, and 49 have been rejected under 35 U.S.C. § 112, 1st and 2nd paragraphs. In particular, the Office Action expressed concerns over language in the claims reciting, "wherein the local time of interest information is descriptive of a local time for a remote computer that varies from a local time for the host." Claim 9 has been amended to now recite, "wherein the local time of interest information is configured to support differences between a local time for a remote computer and a local time for the host and wherein the local time of interest information describes the local time for the remote computer." The other independent claims have been similarly amended. Accordingly, withdrawal of these rejections is respectfully requested.

#### 35 U.S.C. § 101 Rejections

Claims 33 and 41 stand rejected under 35 U.S.C. § 101 for being directed to nonstatutory subject matter. Claims 33 and 41 have been amended and now recite "communications interface" and "a processor." Accordingly, withdrawal of these rejections is respectfully requested.

#### 35 U.S.C. § 103(a) and 35 U.S.C. § 102(e) Rejections

Claims 9-16, 19-20, 23-24, 33-40, 43-44, and 47-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Blaser (US Patent No. 6,757,661). Applicants submit that Blaser fails to describe or suggest the limitations of the amended independent claims.

For example, amended claim 9 recites, *inter alia*, a computer-implemented method for determining a score of an ad using a host. Local time of interest information associated with a request is received using the host. The local time of interest information is configured to support differences between a local time for a remote computer and a local time for the host. The local time of interest information describes the local time for the remote computer. Applicants respectfully submit that Blaser fails to describe or suggest these limitations.

As a preliminary matter, the Office Action indicated that recitation of the intended use must result in structural differences between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. See page 10 (citing to *In re Collier*, 158 USPQ 266, 267 (CCPA 1968)).<sup>1</sup> Applicant submits that the amendments to the independent claims result in structural differences between the amended independent claims and Blaser. For example, claim 9 now recites that “the local time of interest information is configured to support differences between a local time for a remote computer and a local time for the host.”

In the rejection of the claims, the Office Action recognizes that Blaser at least fails to describe or suggest determining the score using at least the local time of interest price information. However, the Office Action states that it would have been obvious “to modify Blaser to include price information in addition to the performance information already disclosed” and that “Blaser teaches examining ad performance in similar demographics.” (Office Action, pages 11 and 12).<sup>2</sup> However, amended claim 9 does not recite “examining ad performance in

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<sup>1</sup> “Where the court interpreted the claimed phrase ‘a connector member for engaging shield means’ and held that the shield means was not a positive element of the claim since ‘[t]here is no positive inclusion of ‘shield means’ in what is apparently intended to be a claim to structure consisting of a combination of elements.’”

<sup>2</sup> “It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blaser to include price information in addition to the performance information already disclosed in Blaser. As per the teachings of Blaser, there is a direct correlation between ad performance and advertiser pricing criterion and it is a common practice in the art that advertisers determine pricing criterion and bidding schemes based on performance of the ads. This would allow the advertiser to ensure they are getting the best Return on Investment (ROI). The Examiner notes that although Blaser does not explicitly teach prices associated with time, the teachings with regards to the serving the ads at particular times substantiate the fact the advertisers have essentially bid for serving ads only at those particular times. For any other times, the bid associated with those ads can be considered zero, as there are no ads served. As such, it would be obvious for Blaser to include specific price information to ensure cost-effectiveness.”

similar demographics.” See Col. 6, lines 59-62. Rather, amended claim 9 recites “receiving, using the host, local time of interest information associated with a request, wherein the local time of interest information is configured to support differences between a local time for a remote computer and a local time for the host and wherein the local time of interest information describes the local time for the remote computer.” Blaser simply fails to describe or suggest this limitation.

Blaser does indicate that certain ads can be scheduled. However, the portion of Blaser that describes that advertisements may be scheduled fails to describe the notion that the local time of interest information is configured to support differences between a local time for a remote computer and a local time for the host, where the local time of interest information describes the local time for the remote computer.

Accordingly, the withdrawal of the rejection of claim 9 and its dependent claims is respectfully requested. Amended independent claims 17, 33, 41, and 49 recite similar limitations and are believed to be allowable for similar reasons. Accordingly, allowance of claims these amended independent claims and their dependent claims is respectfully requested.

### Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant submits that all claims are in condition for allowance.

The \$130 Extension of Time Fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No other fees are believed due.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney  
Docket No.16113-0767001/GP-141-00-US.

Respectfully submitted,

Date: \_\_\_\_\_

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